

1 **Rule 3-301.01. State Court Administrator—Complaints and Performance Review; Complaints**  
2 **Regarding Judicial Officers and State Court Employees.**

3 **Intent:**

4 The State Court Administrator serves at the pleasure of both the Supreme Court and the Judicial Council.  
5 The intent of this rule is to establish (1) the process for reviewing the performance of the State Court  
6 Administrator; (2) an avenue by which complaints regarding the State Court Administrator, judicial  
7 officers, and state court employees can be received, reviewed, and investigated; and (3) the  
8 confidentiality necessary to perform this work.

9 **Applicability:**

10 This rule applies to the judicial branch.

11 **Statement of the Rule:**

12 **(1) Definitions.**

- 13 a. “Performance Review Committee” means a committee consisting of one member of the  
14 Management Committee of the Judicial Council who is not a member of the Supreme  
15 Court, and one member of the Supreme Court. The Management Committee member  
16 shall be appointed by a majority vote of the Management Committee. The Supreme Court  
17 member shall be appointed by the Chief Justice.  
18 b. “Management Committee” means the standing committee of the Judicial Council  
19 established in Rule 1-204.

20 **(2) Complaints Regarding and Performance Review of State Court Administrator.**

- 21 a. **Complaints—Receipt, Review, and Investigation.** The Supreme Court and the  
22 Management Committee are authorized to receive complaints regarding the conduct or  
23 performance of the State Court Administrator.  
24 i. The Supreme Court or the Management Committee shall promptly disclose all  
25 such complaints to each other and to the Performance Review Committee. The  
26 Performance Review Committee shall convene promptly to review the complaint  
27 and to determine what investigation is appropriate.  
28 ii. After the appropriate investigation is completed, the Performance Review  
29 Committee shall make recommendations to the Judicial Council and the  
30 Supreme Court. Recommendations may include: no further action, a  
31 performance or corrective action plan, discipline as a condition of continued  
32 employment, or termination.

- 33           b. **Annual Performance Review.** At least annually, the Performance Review Committee  
34 shall review the performance of the State Court Administrator in accordance with the  
35 standards set forth in the Human Resources Policies and Procedures Manual.
- 36           i. The Performance Review Committee shall report the results of the State Court  
37 Administrator’s annual performance review to the Judicial Council and Supreme  
38 Court. After completion of the performance review, the Performance Review  
39 Committee may make recommendations to the Judicial Council and the Supreme  
40 Court. Recommendations may include: no further action, a performance or  
41 corrective action plan, discipline as a condition of continued employment, or  
42 termination.
- 43           ii. The Judicial Council and the Supreme Court shall meet in a joint executive  
44 session to approve, reject, or modify any recommended performance or  
45 corrective action plan.
- 46       c. **Action to Discipline or Terminate the State Court Administrator.**
- 47           i. If the Performance Review Committee recommends that the State Court  
48 Administrator be disciplined as a condition of continued employment or be  
49 terminated, the Performance Review Committee shall promptly report its  
50 recommendation to the Judicial Council and the Supreme Court.
- 51           ii. The Judicial Council and the Supreme Court shall meet in a joint executive  
52 session to consider the recommendation. After considering the recommendation,  
53 the Judicial Council and the Supreme Court may undertake such additional  
54 investigation as they jointly deem necessary. The Judicial Council and the  
55 Supreme Court shall work together in good faith to exercise jointly and by  
56 consensus their statutory rights regarding termination of the State Court  
57 Administrator.

58 **(3) Complaints Regarding Judges and State Court Employees.**

- 59       a. **Judicial Officers.** The Management Committee is authorized to receive, review, and  
60 investigate complaints regarding the conduct or performance of any judicial officer. After  
61 completing the investigation it deems appropriate, the Management Committee may refer  
62 the complaint and make recommendations to the appropriate presiding judge or to the  
63 Judicial Council. The Judicial Council shall decide whether to refer the complaint to the  
64 Judicial Conduct Commission.
- 65       b. **Other Court Employees.** The Management Committee is authorized to receive  
66 complaints regarding the conduct or performance of any state court employee. For  
67 complaints involving any employee other than the State Court Administrator or Human  
68 Resources Director, the Management Committee shall refer the complaint to the Human  
69 Resources Department consistent with its Policies and Procedures Manual. Complaints

70 involving the Human Resources Director shall be referred to the State Court  
71 Administrator for review and investigation.

72 **(4) Consultation Regarding Personnel and Related Matters.**

73 a. The Management Committee shall be available to consult with any presiding judge on  
74 personnel and related matters involving a judicial officer.

75 b. The Management Committee shall be available to consult with the State Court  
76 Administrator on personnel and related matters involving any state court employee.

77 **(5) Confidentiality.**

78 a. The work performed by the Supreme Court, the Performance Review Committee or the  
79 Management Committee pursuant to this rule shall be kept confidential and shall not be  
80 disclosed until (1) disclosure is required by this rule, or (2) disclosure is required by  
81 applicable law.

82 Effective May 1, 2020